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Planning Division
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RECEIVED
APR 12 2004
MONO COUNTY PLANNING DEPT
SOUTH COUNTY

Re: Environmental Scoping Meeting – Intrawest
Rodeo Grounds Proposal

To whom it may concern:

I received an email alerting me to the cancellation of the June Lake CAC meeting and the scheduling of an Environmental Scoping Meeting on April 20, 2004. I very much appreciate the new procedure of providing email notice of such events. The email caught up with me while I was out of the country. Without it, I would not have been able to participate even, as is unfortunately the case, only by submitting written comments. Thanks for the successful effort to broaden the information distribution.

I understand that the scoping meeting is intended only to frame the breadth and coverage of the EIR/RA that will be prepared in connection with the Rodeo Grounds Proposal, rather than providing an occasion to debate the overall merits of the project. Nonetheless, determining the scope of the EIR/RA necessarily involves making sure that it covers all areas where the project may have a detrimental impact on the environment. Thus, my comments will largely focus on problems posed by the Rodeo Grounds Proposal that the Design Guidelines, Specific Plan and related documents do not adequately frame or do not mention at all. In my judgment, a substantial revision and expansion of these materials is necessary before they can provide an adequate foundation for determining the kind of EIR/EA appropriate to a project of this scale relative to the community in which it will be located.

My interest in the Rodeo Grounds Proposal reflects my commitment to the June Lake community. We have been spending summers in the June Lake area for 25 years and own a home at 3052 Highway 158. The June Lake community would benefit from a properly sized and planned resort development, and the Rodeo Grounds is in my view the best place for such a project.

Because of the length of the documents and the resulting length of my comments, I will first identify a number of general problems that appear throughout the documents. I then will turn to detailed comments keyed to document and section number. Please understand that these comments, while lengthy, are not exhaustive. The notice of the Scoping Meeting provided only a relatively short notice period given the length of the documents; the extent of my comments reflect that time constraint.

General Problems

A number of problems appear repeatedly throughout the documents. As a result, it may be helpful to identify them at the outset.

1. Absence of Consideration of the CAC-Developed Community Plan. Over a lengthy period, involving a large time commitment by both local community members and expert consultants, a set of design guidelines were prepared which, among other things, cover resort development on the June Lake Loop. Intrawest is familiar with this process; its representatives attended many of the meetings that I also attended. The documents that are the subject of the Scoping Meeting are striking in that I have not found a single reference to the community design guidelines. This presents a serious problem in using the documents as the basis of a scoping meeting. The community's design guidelines represent a careful assessment of the balance between the environment and resort development. I do not understand how the scope of the EIR/EA can be determined without reference to them. I would have expected that the Planning Department, which staffed the community design process, would have required the analysis that is so plainly missing.

2. Absence of Discussion of the Scale of the Rodeo Grounds Project. The Rodeo Grounds Project's primary environmental impacts result from its size: At capacity, several times the entire resident population of the June Lake Loop will be located within its boundaries. Unfortunately, no discussion of the project's scale appears within the documents provided. The problem has two elements.

First, it is impossible from the documents to understand the actual size of the project. While there is disclosure of the number of units, much of the project's ultimate environmental impact will be the result not of units of but of actual people on site. For example, water usage, emergency medical and fire assistance, increases in vehicular and pedestrian traffic on adjacent public roads, all depend on how many people the project will add to the community. I do not understand how the scope of the EIR/EA can be determined without a detailed understanding of how many people the project will put on site.

Second, the documents contain no discussion of alternative project sizes. The extent of many types of environmental impacts are not linear in relation to the size of the project, but instead increase radically when the project hits certain sizes. For example, the means to deal with increased pedestrian traffic may change dramatically with scale levels. Similarly, scale may be critical in assessing fire protection in a community served by a volunteer fire department. Thus, the documents should be revised to include a discussion of the potential scale effects of the project on the environment and a discussion of alternative sized projects so that non-linear effects can be taken into account in the environmental assessment.

3. Relation of the Project to the Local Community. Throughout the document reference is made to the value of the project to local residents. These benefits take two

forms: providing housing that local residents can purchase; and providing recreational facilities.

With respect to the housing, I am quite skeptical of the extent to which the project will increase the housing stock available to permanent residents of June Lake. I understand that the average family income of Mono County residents is approximately \$40,000. Unless Intrawest intends to commit more than 60 units to low cost housing, I do not believe a substantial number of local residents will be able to afford to purchase the housing to be built on the Rodeo Grounds. If the statement that a benefit of the project is its increase in the housing available to permanent residents of June Lake is to be taken seriously, further documentation is necessary.

With respect to recreation, I simply have not found any discussion in the documents of what type of facilities will be made available to local residents. The only related reference was a statement that public meeting rooms within the project might, at the discretion of the developer, be made available to local groups. If this is all that is intended, the references to this subject should not be credited.

4. Impact on the Visual Environment. A central feature of the June Lake environment is its striking visual beauty. The Rodeo Grounds is an appropriate place for development precisely because it provides a visual bowl that can prevent the improvements from being seen outside the project area's immediate vicinity. As a result, scoping the project's environment impact requires discussion of the extent to which the project is visible from outside its boundaries. For example, the drawing of the single family home development on the east side of North Shore Drive appears to contemplate that homes can be built on the ridgeline. In addition to being inconsistent with the local design guidelines, siting buildings on the ridgeline results in visually polluting the entire Gull Lake and June Lake Village visual basin. Discussion of means by which the visual impact of the project can be contained within its basin – for example, by prohibiting building on the ridgeline and landscape screening of building on the north west side of Gull Lake -- should be added

5. Ambiguity of Design Specifications. Throughout the Design Specifications ("DS"), the standards are presented in ambiguous fashion. For example, the DS frequently say that design criteria should be "encouraged." I do not know what this means. Who is to do the encouraging? What happens if Intrawest nonetheless does not implement the preferred criteria? Who has the ultimate discretion as to these design elements? As presently drafted, it is impossible to assess fully the impact of the DS on the environment because it is impossible to tell whether a wide range of specifications are required or merely precatory.

Specific Comments.

The following comments are keyed to particular sections of the documents provided.

Rodeo Ground Design Guidelines

1.1.1.3: The introduction specifies that county planning approval for changes in the design guidelines “shall not be unreasonably withheld.” This standard is too vague to be helpful. For example, in my view a change that imposes environmental costs should not be approved because of changes in market conditions. The standard would be better framed as “shall not be unreasonably withheld provided that any change does not adversely effect the community or environment.”

1.1.2.: This section states that the Rodeo Grounds will be a recreational attraction for local residents. Nothing in the Design Guidelines provide for local resident access to recreational facilities like swimming pools.

1.2.1.1: This section states that the project will have the capacity “to serve a large number of visitors.” Nowhere in the documents is the number of people that will be served by the project specified. Determining the scope of the project’s environmental impact without knowing the number of people involved is impossible.

This section also states that the project “will be conveniently connected to local commercial areas by a system of ... trails ...” At present, no existing trails link the project to the June Lake Village. Pedestrians would have to walk along Highway 158, which does not have a shoulder. Thus, for the section to be accurate, the developer would have to build the trail system to which the section refers. I have found nothing in the documents that explains how this trail system will be built.

1.2.1.2: No explanation for how design “diversity” will be maintained in the areas to be developed as single-family homes. Who will provide design review?

1.2.3.1: This section states that internal trails “will tie into the larger June Lake loop recreational trail network.” To my knowledge, no such network exists. This leaves unaddressed the problem of how pedestrian traffic resulting from the “large number of visitors” to the Rodeo Grounds referred to in section 1.2.1.1 will get to the June Lake Village or elsewhere in the area.

1.2.5.5: This section contemplates that large delivery trucks will service the project. Although unmentioned, large construction vehicles will require access to the Rodeo Grounds to build the project. In order to provide a proper scope for the environmental impact statement, the Design Guidelines should require that the developer assure that all service and construction vehicles will approach the project from Northshore Drive by means of the Oh Ridge turnoff.

2.1.1.5: This is the first place in which a design standard is expressed as merely precatory. Owners/Developers “are encouraged” to retain mature trees. This is not a standard. Who is encouraging this behavior? What happens if the recommendation is ignored? A preferable approach would specify that all mature trees will be retained unless a designated decision making body is persuaded that construction cannot reasonably be undertaken without removing a mature tree. For this purpose, additional

expense would not be sufficient justification. A more protective approach is contained in section 2.1.7.4.1.

3.1: The visual impact of the project outside its immediate view bowl is an important part of the project's environmental impact, yet the Design Guidelines make no reference to it and therefore are inadequate to support a proper scoping of the environmental impact statement. The introduction to building design standards would be an appropriate place to state a standard for restricting the visual impact of the project outside its view bowl. Just as section 3.1.2 states that "[a]ll buildings will be carefully massed, composed and oriented," the standards should also state that all reasonable efforts must be made to prevent the project from being visible other than from the portions of Highway 158 and Northshore Drive adjacent to the Rodeo Grounds. In particular, the Guidelines should prohibit buildings that extend above the ridge line, and should require screening through mature vegetation in other areas where buildings would be visible from outside the view bowl.

3.2.1: This section concerns single-family building design. As in the previous comment, restrictions should prohibit single-family homes extending outside the view bowl as a result of buildings extending above the ridge line.

3.2.5: This section makes reference, for what I believe is the first time, to a "Design Review Committee" that will have the power to approve certain window styles. In order to evaluate the extent to which this mechanism will adequately address environmental concerns, the guidelines should set out in detail how this committee will be chosen and the means, if any, by which its decisions are subject to review. This comment applies to other references to Design Committee Review elsewhere in this part of the Guidelines.

3.4.1.2: This section speaks to building massing, composition and orientation. As stressed in earlier comments, it should also address issues of visual impingement outside the project, including especially building height. This is particularly important because later sections, like 3.4.3.1, assume that problems of "building scale" can be addressed "by the interplay and arrangement of details." Building scale can only be addressed by directly considering the size and height of the buildings, which the Guidelines do not address. As a result, they are not suitable to provide a basis for setting the scope of the necessary environmental study.

3.4.7.1: This section is a good example of a recurrent problem in the Guidelines – total ambiguity. Storefronts should "create an exciting colorful setting" to stimulate "the recreation of shopping." If these words have actual meaning, I cannot understand it. A storefront can be colorful and in poor taste and be subtle and in good taste. Stimulating the recreation of shopping, if that phrase means anything at all, sounds vaguely manipulative. The result is that in this area and others the Guidelines have too little content to serve their purpose. Simple statements of what storefronts will look like and whose approval is required based on specified standards would support the effort to determine the scope of the necessary environmental inquiry.

4.1.2: This section also uses an “encouragement” standard. Again, this statement of conduct has no content. Similarly, the admonition that use of artificial stone “must be carefully considered” states no standards to govern the consideration, nor whose consideration is being addressed. If the Guidelines do not allow one to assess the nature of the project, then they cannot serve as a foundation for determining the scope of the necessary environmental inquiry.

4.1.7.6: This section mentions the overhead transmission lines for the first time, and here only to state that they are not subject to undergrounding requirements. Given their proximity to proposed residential dwellings, this conclusion appropriately comes after an environmental inquiry not before. As drafted, the statement assumes the outcome of an assessment of the state of the art learning on close exposure of humans to high levels of electromagnetic energy. Again, by simply assuming the issue away, the Guidelines are insufficient to support an appropriate scoping exercise.

4.1.8.3: This section uses the ambiguous “encouragement” formulation, now with respect to decorative manhole covers. No explanation is offered for not simply requiring them if they are desirable.

4.1.17.3: This section is perhaps the most ambiguous of any to this point. Fencing, we are told, should be “appropriate.” Again, the section makes no real effort to identify what is appropriate, nor to identify who will make that determination.

4.3.1: The project’s visual impact on the environment should also be addressed in connection with its lighting standards. As indicated in prior comments, the matter of the project’s visibility outside its view bowl should be a central factor with respect to lighting. A lighting pattern that obscures the night sky outside the immediate area of the project is an environmental matter that should be addressed directly in the Guidelines so that they can support an appropriate scoping process.

Missing entirely: The Guidelines do not address at all issues of noise pollution relating to activities on the Rodeo Grounds. Consideration should be given to the extent to which outside special events should be limited with respect to, for example, hours of operation and amplified music, in order to assure that the activities on the Rodeo Grounds do not impose increased noise levels on local residents outside the project.

Rodeo Grounds Specific Plan

1.2.1.b: This section states that the development “will provide varied residential opportunities to local residents ...” If the idea is that the project is consistent with the June Lake 2010 plan because it will provide housing opportunities to permanent residents of June Lake, both the number of units and the anticipated price should be specified, as well as how that price matches income levels of existing permanent residents. A fair reviewer would be appropriately skeptical of whether this commitment is serious; the prices charged by Intrawest in its Mammoth projects are dramatically beyond the

capacity of the average Mono County resident to purchase. If this commitment is to be taken seriously, some assessment of the match between prices and incomes of June Lake permanent residents is necessary and the impact of 60 units on the available housing supply for local residents given their average income level.

The same section specifies that residents and guests “will have unique access to .. the June Lake Loop.” As is the case elsewhere in the documents intended to support environmental scoping, there is no discussion of how these residents and guests will get from one part of the loop to the other. For example, no reference is made to the construction of trails between the project and June Lake Village.

1.2.1.e: Although this section states that “[t]he visual quality of the June Lake environment is a primary consideration of the Rodeo Grounds Specific Plan,” nowhere does the Specific Plan or Design Guidelines discuss the overflow of the Project’s visual impact outside the immediate view bowl. This is of special concern along two dimensions. First, no mention is made of the project’s apparent intention to build on the ridge line above Gull Lake so as to intrude on the Gull Lake and June Lake Village visual bowl, nor is there any mention of shielding buildings on the north west side of Gull Lake from view outside the project. Second, no mention is made of the fact that the unusual height of the buildings planned for the central portion of the project, will be plainly, and unnecessarily, visible from Highway 158. Since the Design Guidelines and Specific Plan do not address these issues at all, they can hardly serve as the foundation for setting the appropriate environmental review.

1.2.1.g: The Specific Plan states that trails on the Project grounds will connect “into the existing and future June Lake Area trail network.” This statement obscures, rather than highlights, the problem of pedestrian traffic spilling out of the Rodeo Grounds onto the local roads. At present, there is no existing June Lake Area trail network, nor do I understand that there is even an approved map of a future network. Thus, the Specific Plan needs to address the problem of pedestrian movement in order to support an environmental assessment of the issue. This single statement is insufficient to frame the necessary inquiry.

1.2.1.h: Here again the Specific Plan holds out the promise that the project is consistent with the June Lake 2010 plan because it “will provide local residents with numerous opportunities to participate in the proposed development and growth through property ownership....” No discussion is offered as to how this will occur given the limited number of below market units, the anticipated cost of the Rodeo Ground units and the average income of Mono County permanent residents.

1.2.3: In this section the Specific Plan appropriately highlights the relation between the Rodeo Grounds and June Mountain. For all practical purposes, the Rodeo Ground’s most important positive contribution to the community is that it may lead to an improvement in the facilities offered at June Mountain, especially with respect to lift improvements. For this reason, the overall environmental and economic impact of the project cannot be assessed independently of an actual commitment to the improvement of

June Mountain. For this reason, evaluation of the June Mountain Master Plan needs to be incorporated into the scoping process for the Rodeo Ground Project and, if appropriate, approvals of the two projects coordinated.

2.1.3: This section at least acknowledges that the ridgeline on the project's eastern border above Gull Lake can be seen from the Gull Lake visual basin and from June Lake Village. This recognition should, but does not, lead to design guidelines that prevent the project from spilling out of its own visual bowl.

2.2.2: This section acknowledges that lots on the eastern ridge will impinge on the Gull Lake and June Lake Village visual bowls. While the section states that building heights will be restricted to minimize visual impact, the proper answer is to prevent any visual impact by forbidding buildings on the ridge line that will be observable from Gull Lake and the Village. Such lots will still retain "spectacular mountain views" so that the viability of these sites will not be compromised by preventing the project from overflowing its view bowl.

5.1: In the general comments at the outset of this letter, I expressed concern that the documents provide no less dense project plans that would be environmentally less burdensome alternatives to the present plan. Since the point of the scoping process is to determine the scope of the environmental assessment of the project, it would be appropriate for the developer to provide alternatives against which the present proposal can be compared.

5.1: The information provided about the density of the project is simply insufficient to support a determination of the appropriate environmental assessment necessary for the project. First and most important, the Specific Plan speaks in terms of dwelling units rather than people. Dwelling units do not consume resources, generate pedestrian traffic, use water, require public safety personnel and the like – people generate this use of public resources. At no point does the Specific Plan specify the number of people that will occupy the Rodeo Grounds at any time of the year, so that the demands on local resources can be evaluated. This deficiency should be corrected before the scoping process is completed.

5.1: The amount of commercial area is specified as being between 20,000 and 50,000 square feet, a range of 2 ½ times. Because the environmental impact of commercial space is sensitive to its size, I do not understand how the nature of the inquiry can be scoped with that range of discretion.

Fire Protection Plan

While the June Lake Fire Protection District presumably will address the sufficiency of the Fire Protection Plan, it is nonetheless a necessary part of the environmental impact assessment. A fair reading of this document demonstrates that it simply does not address the problems presented by a project of the size of the Rodeo Grounds. The Plan states that the JLFPD's problem is not equipment but manpower. I

will leave the judgment of whether existing equipment is sufficient to fight a high-rise fire in buildings of the size contemplated by the Specific Plan. However, Fire Protection Plan itself demonstrates that the Rodeo Grounds project will make a difficult manpower situation even worse, while offering no suggestions about how to address it. The discussion describes a drop of approximately 54 percent in the number of volunteers from 1991 to 2004. Thus, the Project contemplates a dramatic increase in the residential and commercial footage for which the JLFPD is responsible without any increase in its manpower. To make matters worse, the addition of high-rise buildings to the JLFPD's area of responsibility will require, I imagine, substantial new training requirements for existing volunteers. The result of this new training will be to greatly increase the time burden on existing volunteers. It would hardly be surprising if the demand of a much greater time commitment will cause a further attrition among volunteers, thus exacerbating what this document acknowledges is a major problem.

The Fire Protection Plan does not address this problem. Accordingly, it cannot provide a basis for scoping the necessary environmental impact assessment. At a minimum, the Fire Protection Plan both has to address the potential that the construction of the Rodeo Grounds Project will require a non-volunteer Fire Department, and consider how such a change would be accomplished and financed.

Utility System Summary

The Utility System Summary deals with the availability of water for the Rodeo Grounds in less than two pages. Three deficiencies are apparent from even this cursory discussion.

The first is that the discussion considers only Diversion rights, not the actual availability of water to be diverted. That, in turn, relates to the second deficiency. The Summary's assessment of drawdown from June Lake is based on a 1981 study, a time when issues of the impact of climate change on weather was not on the horizon. I believe that the best current assessment of expected climate change in the Eastern Sierra predicts, among other things, a significant shift from snow to rain in the make up of total annual precipitation, as well as the chance of a significant drop in total annual precipitation. I do not imagine that an adequate assessment of the environmental impact of the Rodeo Grounds project can be made without a current assessment, in light of a thorough review of now existing scientific evidence on the expected impact of climate change, of the actual water resources available to June Lake. The discussion in the Utility system Summary does not help to determine the appropriate scope of the inquiry. Speculative extrapolations of half a foot a year draw down of June Lake based on 23 year old data is hardly an appropriate assessment of available water resources.

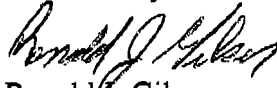
The third problem relates to the Summary's description of groundwater as a new source of water for the project. Since the groundwater system presumably supports lake levels at both Gull Lake and June Lake, this is not an alternative source. Ground water and lake water are part of the same local water system. Tapping it from a different location does not change that fact.

Conclusion

I understand that the Environmental Scoping Meeting is not directed at the pros or cons of the Rodeo Grounds project. But determination of the scope and content of the EIR/EA depends in important respects on the completeness and quality of the Specific Plan. As I hope these comments have shown, the Specific Plan is inadequate to the task of providing a foundation for the Scoping Meeting. I have no idea what the appropriate response to this problem is; perhaps the deficiencies in the Specific Plan can be addressed at the Scoping Meeting, and a final resolution on the scope and content of the environmental assessment of the project deferred until the Specific Plan can be brought up to an adequate level of both breadth and depth.

Thank you for your consideration of these lengthy comments. I genuinely wish that the quality of the documents had allowed shorter comments.

Sincerely,



Ronald J. Gilson